

UNITED STATES BANKRUPTCY COURT

FOR THE

**EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

ALEX MEHRABI

Debtor

Chapter 13

Case No. 15-11395-RGM

OBJECTION TO CONFIRMATION OF PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed May 26, 2015. The cause for this objection is as follows:

Violation of 11 U.S.C. §1325(a)(9) – Failure to File Required Income Tax Returns. The Debtor has not filed all federal and state income tax returns required under 11 U.S.C. §1308 for the tax year 2014.

Violation of 11 U.S.C. §1325(a)(3) – Good Faith

- The attorney's fees Debtor paid prepetition (\$8,000.00) are over half of the total Plan funding of \$15,000.00 that Debtor is proposing to pay over 60 months.
- Section 4 of the Plan states that unsecured creditors would receive a 0% distribution in a Chapter 7 proceeding even though the real property listed on Schedule A has nearly \$260,000.00 of equity, of which Debtor has 31.5% in pursuant to an Order of Partition and Final Order of Divorced entered in the Circuit Court of Fairfax County on January 30, 2015. Upon information an belief, this parcel of real property is currently listed for sale for \$980,000.00.

Violation of 11 U.S.C. §1325(a)(6) – Feasibility

- The Plan is predicated upon proceeds to be recovered from speculative actions against Chicago Title Insurance, Wells Fargo, Debtor's ex-spouse and former mother-in-law. Upon information and belief, Debtor has already filed suit against Wells Fargo in the Circuit Court of Fairfax County, to which Wells Fargo filed a Plea in Bar alleging the statute of limitations had run on Debtor's claim which was granted.
- The Plan is underfunded as follows:

Notice of Objection To Confirmation

Alex Mehrabi, Case # 15-11395-RGM

Amount of Plan Payment		250.00
Number of Months		60
	0.00	15,000.00
Total Receipts		15,000.00
Disbursements Required:		
Attorney	0.00	
Taxes/Other Priority	5,763.24	
Secured	0.00	
Unsecured	55,000.00	
Other		
Trustee	6,076.32	10%
Total Disbursement		66,839.56

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on July 8, 2015 at 9:30 a.m., in Courtroom 1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street

Notice of Objection To Confirmation

Alex Mehrabi, Case # 15-11395-RGM

Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: _June 18, 2015_____

___/s/Thomas P. Gorman_____

Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of June, 2015, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Alex Mehrabi
Chapter 13 Debtor
7640 Provincial Drive
McLean, VA 22102

Lawrence J. Anderson, Esq.
Attorney for Debtor
Nealon & Associates
119 N. Henry Street
Alexandria, VA 22314

____/s/ Thomas P. Gorman_____
Thomas P. Gorman